

DECLARATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "**BUBBLE DETECTOR AND METHOD OF EVALUATION OR CALIBRATION THEREOF**," the specification of which:

X is attached hereto.  
       was filed on        as Application Serial No.:       

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority Claimed

(Number)	(Country)	(Date Filed)	Yes/No

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)

We hereby direct that all correspondence and telephone calls be addressed to Margaret A. Kivinski, TherOx, Inc., 2400 Michelson Drive, Irvine, California, 92612-1310, (949) 757-1999.

We hereby declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Daw J. Derek  
(First) (Initial) (Last)

Inventor's Signature: Derek J. Daw

Date: 3/19/01 Country of Citizenship USA

Residence Address: 3005 Cleveland Avenue  
(Include number, street name, city, state, and country)  
Costa Mesa, California 92626

Post Office Address:  
(If different)

Inventor's Full Name: Jeffrey L. Creech  
(First) (Initial) (Last)

Inventor's Signature: Jeffrey L Creech

Date: 3/16/01 Country of Citizenship USA

Residence Address: 4478 Via Marina, #903  
(Include number, street name, city, state, and country)  
Marina Del Rey, California 90292

Post Office Address:  
(If different)

Inventor's Full Name: William R. Patterson  
(First) (Initial) (Last)

Inventor's Signature: W. R. Patterson

Date: 3/19/01 Country of Citizenship USA

Residence Address: 90 Windjammer Drive  
(Include number, street name, city, state, and country)  
Irvine, California 92614

Post Office Address:  
(If different)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §  
Derek J. Daw et al. § Group Art Unit: Unassigned  
§  
Serial No.: Unassigned §  
§ Examiner: Unassigned  
Filed: Herewith §  
§  
For: System and Method of Evaluating or § Atty. Docket: PA094-US  
Calibrating a Bubble Detector (as amended) §  
§

*DIV of U.S. Patent Application Serial No. 10/610,084, filed on June 30, 2003, which is a DIV of U.S. Patent Application Serial No. 09/813,072, filed on March 20, 2001, now U.S. Patent Serial No. 6,622,542, issued September 23, 2003*

**POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, being the Assignee of the entire interest in the above-identified application by virtue of an Assignment recordated in the United States Patent and Trademark Office as set forth below, hereby appoints:

Practitioners at Customer Number 27405

to prosecute the application to the exclusion of the inventor(s), and to transact all business in the United States Patent and Trademark Office connected therewith.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to THEROX, INC. referenced below and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

**Customer Number 27405**

ASSIGNEE: THEROX, INC.

Date: 12-31-03

By: Kevin T. Larkin  
Name: Kevin T. Larkin, President and Chief Executive Officer

ASSIGNMENT:

Enclosed for recording  
 Previously recorded, Copy Enclosed:  
 Notice of Recordation Enclosed

Date: March 20, 2001  
Reel: 011640  
Frame: 0816

Total of 1 form is submitted.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 07, 2001

PTAS

TEROX, INC.  
MARGARET A. KIVINSKI  
2400 MICHELSON DRIVE  
IRVINE, CALIFORNIA 92612-1310



\*101669059A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BQX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/20/2001

REEL/FRAME: 011640/0816  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DAW, DEREK J.

DOC DATE: 03/19/2001

ASSIGNOR:

CREECH, JEFFREY L.

DOC DATE: 03/16/2001

ASSIGNOR:

PATTERSON, WILLIAM R.

DOC DATE: 03/19/2001

ASSIGNEE:

TEROX, INC.  
2400 MICHELSON DRIVE  
IRVINE, CALIFORNIA 92612-1310

SERIAL NUMBER: 09813072

FILING DATE: 03/20/2001  
PATENT NUMBER:  
ISSUE DATE:



011640/0816 PAGE 2

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

04-05-2001



To the Honorable Commissioner of Patents and

101669059

al document or copy thereof.

1. Name of conveying party(ies):

Derek J. Daw, Jeffrey L. Creech,  
William R. Patterson

Additional name(s) of conveying party(ies) attached?

Yes  No

3. Nature of conveyance:

Assignment       Merger  
 Security Agreement       Change of Name  
 Other

Execution Date: March 16, 2001 and March 19, 2001

4. Application number(s) or registration number(s): Unassigned

If this document is being filed together with a new application, the execution date of the application is: Application Filed

A. Patent Application No.(s): Unassigned

09813072

March 20, 2001

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Margaret A. Kivinski

Address: THEROX, INC.  
2400 Michelson Drive  
Irvine, California 92612-1310

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41)----- \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 501769

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Margaret A. Kivinski

Name of Person Signing

*Margaret A. Kivinski*

Signature

March 20, 2001

Date

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner for Patents, Box Assignments

Washington, D.C. 20231

J1046 U.S. PRO  
09/813072  
03/20/01

## A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to TherOx, Inc. (the "Assignee"), having a place of business at 2400 Michelson Drive, Irvine, California, 92612, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith, and is entitled "**BUBBLE DETECTOR AND METHOD OF EVALUATION OR CALIBRATION THEREOF**," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

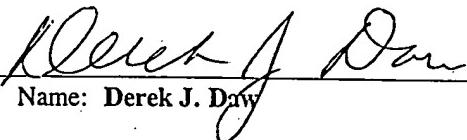
AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will (1) execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; (2) execute all rightful oaths, declarations, assignments, powers of attorney and other papers; (3) communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; (4) cooperate with the Assignee in any interference, opposition, dispute, or litigation involving any of the applications or patents for such improvements; and (5) generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

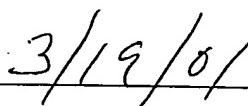
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature):



Name: Derek J. Daw

Date:



STATE OF CALIFORNIA

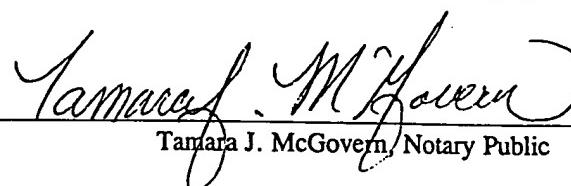
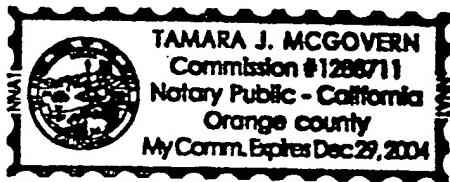
§

§ ss.

COUNTY OF ORANGE

§

BEFORE ME, the undersigned authority, on this 19 day of March, 2001, personally appeared Derek J. Daw proved to me on the basis of satisfactory evidence to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

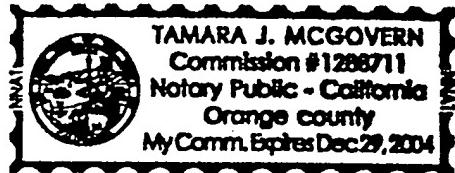


Tamara J. McGovern, Notary Public

(Signature): Jeffrey L Creech Date: 3/16/01  
Name: Jeffrey L Creech

STATE OF CALIFORNIA §  
§ ss.  
COUNTY OF ORANGE §

BEFORE ME, the undersigned authority, on this 16 day of March, 2001, personally appeared Jeffrey L. Creech proved to me on the basis of satisfactory evidence to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



[SEAL]

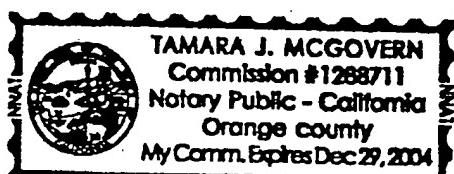
Tamara J. McGovern  
Tamara J. McGovern, Notary Public

(Signature): W.R. Patterson  
Name: William R. Patterson

Date: 3/19/01

STATE OF CALIFORNIA §  
§ ss.  
COUNTY OF ORANGE §

BEFORE ME, the undersigned authority, on this 19 day of March, 2001, personally appeared William R. Patterson proved to me on the basis of satisfactory evidence to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



[SEAL]

Tamara J. McGovern  
Tamara J. McGovern, Notary Public